

18-6


 US ENVIRONMENTAL PROTECTION AGENCY  
 WASHINGTON, DC 20460

## TOXIC SUBSTANCES CONTROL ACT

## NOTICE OF INSPECTION

 Form Approved  
 OMB No. 2070-0007  
 Expires 3-31-88

1. INVESTIGATION IDENTIFICATION			2. TIME	3. FIRM NAME
DATE 6/14/90	INSPECTOR NO.	DAILY SEQ. NO.		Ashgrove Cement
4. INSPECTOR ADDRESS Oregon Operations Office USEPA 811 SW 6th Ave Portland, OR			5. FIRM ADDRESS 13939 N. Rivergate Blvd Portland, OR 97203	

## REASON FOR INSPECTION

Under the authority of Section 11 of the Toxic Substances Control Act:

- ☒ For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with.

- ☐ In addition, this inspection extends to (Check appropriate blocks):

☐ A. Financial data

☐ D. Personnel data

☐ B. Sales data

☐ E. Research data

☐ C. Pricing data

The nature and extent of inspection of such data specified in A through E above is as follows:

INSPECTOR SIGNATURE Daniel D. Heister		RECIPIENT SIGNATURE W.A. Dottle	
NAME Daniel D. Heister		NAME Plant Manager	
TITLE Enviro. Protection Spec	DATE SIGNED 6-14-90	TITLE	DATE SIGNED 6/14/90

18-6



US ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT

TSCA INSPECTION CONFIDENTIALITY NOTICE

Form Approved  
OMB No. 2070-0007  
Expires 3-31-88

1. INVESTIGATION IDENTIFICATION

DATE 6/14/90 INSPECTOR NO. DAILY SEQ. NO.

2. FIRM NAME

Ashgrove Cement

3. INSPECTOR NAME

Daniel Heister

4. FIRM ADDRESS

13939 N. Rivergate Ave.  
Portland, OR 97203

5. INSPECTOR ADDRESS

Oregon Operations Office  
USEPA  
811 SW 6th Ave.  
Portland, OR 97204

6. CHIEF EXECUTIVE OFFICER NAME

7. TITLE

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business information. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed to:

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE:

I have received and read the notice

SIGNATURE

W.A. Kistler

NAME

W.A. KISTLER

TITLE

Plant Manager

DATE SIGNED

6/14/90

If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive officer. If there is another company official who should also receive this information, please designate below.

NAME

TITLE

ADDRESS



TOXIC SUBSTANCES CONTROL ACT

Form Approved  
OMB No. 2070-0007  
Approval expires 8-31-85

RECEIPT FOR SAMPLES AND DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. FIRM NAME
DATE 6/14/90	INSPECTOR NO.	DAILY SEQ. NO.	Ashgrove Cement West Inc
3. INSPECTOR ADDRESS			4. FIRM ADDRESS
Oregon Operations US EPA 811 SW 6th Ave Portland, Ore. 97204			13939 N. Rivergate Portland, Ore 97203

The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Toxic Substances Control Act.

RECEIPT OF THE DOCUMENT(S) AND/OR SAMPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
	Burner #3 Mfg. Mod # 200 CALIMATIC Inf Grays Harbor PUD Manifest & back up. Random Test on shipment rec'd from List of PCB equipment removed Manifest for Lg PCB disposal; caps etc Invoice on load of PCB's w/o Test #14868
001	Bunker C Tank Spill Sample
002	Transformer Tank - Oil - Burner Kiln 3
003	Bunker C oil from burner in use Kiln 2
	Pictures

OPTIONAL:

DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED ☐ NOT REQUESTED ☐

INSPECTOR SIGNATURE		RECIPIENT SIGNATURE	
NAME		NAME	
RON CULVER		W.A. KISTLER	
TITLE	DATE SIGNED	TITLE	DATE SIGNED
Env. Engr	6/14/90	Plant Man.	6/14/90

### FIELD, SAMPLE DATA AND CHAIN OF CUSTODY SHEET

Project Code:

Case No.:

**FIELD SAMPLE DATA**  
**Ashgrove Cement West Inc**  
 No.: ☒ Enforcement / Customer

☒ Enforcement/Custody

**Miscellaneous:**

**Sampling Crew:**

W: Ron Cahoon

Project Code: \_\_\_\_\_ Account: \_\_\_\_\_

☐ Data Confidential

Name/Location

*Bentley One*  
(EPA Lab Only, Leave Blank for Contractor Lab)

☐ Possible Toxic/Hazardous

Proj. Off.: \_\_\_\_\_ Tel. # \_\_\_\_\_

☐ Data for Storet

**Recorder:**

(Signatures Required)

Dez Heurte

Ken Cich

[illegible][illegible]Laboratory Copy ☐ Name ☐

Project Officer:                   

Field or Office Code	Age
01	18-24
02	25-34
03	35-44
04	45-54
05	55-64
06	65-74
07	75-84
08	85-94
09	95-104
10	105-114
11	115-124
12	125-134
13	135-144
14	145-154
15	155-164
16	165-174
17	175-184
18	185-194
19	195-204
20	205-214
21	215-224
22	225-234
23	235-244
24	245-254
25	255-264
26	265-274
27	275-284
28	285-294
29	295-304
30	305-314
31	315-324
32	325-334
33	335-344
34	345-354
35	355-364
36	365-374
37	375-384
38	385-394
39	395-404
40	405-414
41	415-424
42	425-434
43	435-444
44	445-454
45	455-464
46	465-474
47	475-484
48	485-494
49	495-504
50	505-514
51	515-524
52	525-534
53	535-544
54	545-554
55	555-564
56	565-574
57	575-584
58	585-594
59	595-604
60	605-614
61	615-624
62	625-634
63	635-644
64	645-654
65	655-664
66	665-674
67	675-684
68	685-694
69	695-704
70	705-714
71	715-724
72	725-734
73	735-744
74	745-754
75	755-764
76	765-774
77	775-784
78	785-794
79	795-804
80	805-814
81	815-824
82	825-834
83	835-844
84	845-854
85	855-864
86	865-874
87	875-884
88	885-894
89	895-904
90	905-914
91	915-924
92	925-934
93	935-944
94	945-954
95	955-964
96	965-974
97	975-984
98	985-994
99	995-1004

\*\*\* LEGAL \*\*\*

MONDAY JUNE 25th, 1990

CASE NAME: 980483 ASH GROVE CEMENT  
 SUBMITTER: Gates, Richard F COLLECTOR: Culver, Ron  
 FUND CODE: 48532 Hazardous Spill Response

ITEM #	RESULT	UNITS	TEST
--------	--------	-------	------

001 Bunker fuel on ground  
 06/14/90 @ 11:30

Attached Completion of PCB

002 Transformer oil, low level PCB <50  
 06/14/90 @ 12:05

Attached Completion of PCB

003 Bunker fuel @ furnace  
 06/14/90 @ 12:10

Attached Completion of PCB

004 Blank  
 06/14/90 @ 12:10

Attached Completion of PCB

Department of Environmental Quality  
Laboratories and Applied Research  
Organic Section

30

PCB's

Complies with EPA NPDES Method 508 and  
RCRA Method 8060

Date: 12 June 1979

Lab #: 700483  
Sample: PCB001  
Item #: 1

*Prof*

Account	Parameter	CAS Registry Number
Mg/Kg		

parts per  
million

<100	PCB Group 1	11104282
<50	PCB Group 2	11141165
<10	PCB Group 3	53468219
<10	PCB Group 4	11097691
<10	PCB Group 5	11096825
ND	Total PCB	

PCB Group 1 includes PCB 1221 and is calculated as 1221.  
PCB Group 2 includes PCB 1232 and is calculated as 1232.  
PCB Group 3 includes PCB's 1016, 1242 and 1248 and is  
calculated as 1242.  
PCB Group 4 includes PCB 1254 and is calculated as 1254.  
PCB Group 5 includes PCB's 1260 and 1262 and is calculated  
as 1260.

ND No PCB's observed above indicated detection limit.

Department of Environmental Quality  
Laboratories and Applied Research  
Organic Section

SC

PCB'S

Complies with EPA WDES Method 608 and  
RCRA Method 8080

Date: 18 June 1990

Lab #: 900483

Sample: PCB002

Item #: 2

*aws*

Amount Mg/Kg	Parameter	CAS Registry Number
Parts per million		
<100	PCB Group 1	11104282
<20	PCB Group 2	11141165
<10	PCB Group 3	53469219
<10	PCB Group 4	11097691
<10	PCB Group 5	11096825
ND	Total PCB	

PCB Group 1 includes PCB 1221 and is calculated as 1221.

PCB Group 2 includes PCB 1232 and is calculated as 1232.

PCB Group 3 includes PCB'S 1016, 1242 and 1248 and is  
calculated as 1242.

PCB Group 4 includes PCB 1254 and is calculated as 1254.

PCB Group 5 includes PCB'S 1260 and 1262 and is calculated  
as 1260.

ND No PCB's observed above indicated detection limit.

Department of Environmental Quality  
Laboratories and Applied Research  
Organic Section

30  
PCB'S  
Complies with EPA Method 808 and  
EPA Method 808

Date: 19 June 1990

Lab #: 100483  
Sample: PCB003  
Item #: 3

*puj*

Amount	Parameter	CAS Registry
Mg/Kg		Number
Parts per million		
<100	PCB Group 1	11174295
<20	PCB Group 2	11144145
<10	PCB Group 3	53467219
<10	PCB Group 4	11097691
<10	PCB Group 5	11056825
ND	Total PCB	

PCB Group 1 includes PCB 1221 and is calculated as 1221.  
PCB Group 2 includes PCB 1232 and is calculated as 1232.  
PCB Group 3 includes PCB's 1016, 1242 and 1249 and is  
calculated as 1242.  
PCB Group 4 includes PCB 1254 and is calculated as 1254.  
PCB Group 5 includes PCB's 1260 and 1232 and is calculated  
as 1232.

ND No PCB's observed above indicated detection limit.

100



Department of Environmental Quality  
Laboratories and Applied Research  
Organic Section

EC  
PCE'S

Complies with EPA NPDES Method 808 and  
BCRA Method 3080

Date: 18 June 1990

Lab #: 900488

Sample: PC9004

Item #: 4

*Ans*

Amount Kg/Kg	Parameter	CAS Registry Number
parts per million		
<100	PCB Group 1	11104282
<10	PCB Group 2	11141165
<10	PCB Group 3	53469219
<10	PCB Group 4	11097691
<10	PCB Group 5	11096825
ND	Total PCB	

PCB Group 1 includes PCB 1221 and is calculated as 1221.  
PCB Group 2 includes PCB 1232 and is calculated as 1232.  
PCB Group 3 includes PCB'S 1016, 1242 and 1248 and is  
calculated as 1242.  
PCB Group 4 includes PCB 1254 and is calculated as 1254.  
PCB Group 5 includes PCB'S 1260 and 1262 and is calculated  
as 1260.

ND No PCB's observed above indicated detection limit.

P 331 920 648

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1985-234-555

PS Form 3800, June 1985

Sent to		EPA
Street and No.		1200 6th AVE
P.O., State and ZIP Code		SEATTLE, WA 98101
Postage		\$ 1.25
Certified Fee		85
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees		2.10
Postmark		PORTLAND, OR KENTON STR. 0661 81 NOV

DATE \_\_\_\_\_ CKH \_\_\_\_\_  
AMOUNT \_\_\_\_\_  
DEPT \_\_\_\_\_  
**PAID**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Request for Analysis

LEGAL

Laboratory No. 900483

Location/Site: Ashgrove Cement West Inc Date: 6/14/90

Date Received Lab: 6/14/90

Collected By: Ron Culver Program: 48552

Date Reported: JUN 26 1990

Purpose: Test for PCB - low level

Report Data To: Ron Culver 0376-2676

Comments: TSCA - PCB Compliance Inspection EPA-000 811 SW 6th lab prepared

\* Basic (P) unpreserved; Nutrient (R) add H<sub>2</sub>SO<sub>4</sub> in field; Metals (Tm) HNO<sub>3</sub> added in lab--don't rinse; Organic(X) mason jar

Item No.	Sampling Point Description (include time)	*Sample Container (bottle) #'s				Test Required
		Nutrients	DO	Metals		
		Basic	BOD	Organic		
1	Bunker Fuel on Ground 11:50am			001		PCB
2	Transformer Oil low level PCB 450 12:05pm			002		PCB
3	Bunker Fuel at Furnace 12:10pm			003		PCB
4	BLANK			004		
5						
6						

Laboratory comments

RECEIVED

JUN 20 1990

OREGON OPERATIONS OFFICE  
EPA-REGION 10

ATTACHMENT



Reply To  
Attn Of: AT-083

OCT 29 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William Kistler, Plant Manager  
Ash Grove Cement West, Inc.  
13939 North Rivergate Boulevard  
Portland, Oregon 97203

Dear Mr. Kistler:

This concerns the June 14, 1990 U.S. Environmental Protection Agency (EPA) inspection of Ash Grove Cement West, Inc., located at 13939 N. Rivergate Boulevard, Portland, Oregon, which was performed by Ron Culver and Dan Heister of EPA pursuant to Section 11 of the Toxic Substances Control Act (TSCA). This inspection was conducted to determine whether activities at the facility were in compliance with EPA Regulations governing polychlorinated biphenyls (PCBs), 40 C.F.R. Part 761.

A review of the results of the inspection has been completed. On the basis of this review, it appears that certain violations of EPA regulations occurred at the facility. They are as follows:

REGULATION - QUARTERLY INSPECTIONS

40 C.F.R. § 761.30(a)(1)(ix) requires that a visual inspection of each PCB Transformer (as defined in the definition of "PCB Transformer" under § 761.3) in use or stored for reuse shall be performed at least once every 3 months. These inspections may take place any time during the 3-month periods: January-March, April-June, July-September, and October-December as long as there is a minimum of 30 days between inspections. The visual inspection must include investigation for any leak of dielectric fluid on or around the transformer. The extent of the visual inspections will depend on the physical constraints of each transformer installation and should not require an electrical shutdown of the transformer being inspected.

40 C.F.R. § 761.30(a)(1)(xii) states that records of inspection and maintenance history shall be maintained at least 3 years after disposing of a transformer and shall be made available for inspection, upon request by EPA. Such records shall contain the following information for each PCB Transformer:

- (A) Its location.
- (B) The date of each visual inspection and the date that a leak was discovered, if different from the inspection date.
- (C) The person performing the inspection.
- (D) The location of any leak(s).

- (E) An estimate of the amount of dielectric fluid released from any leak.
- (F) The date of any cleanup, containment, repair, or replacement.
- (G) A description of any cleanup, containment, or repair performed.
- (H) The results of any containment and daily inspection required for uncorrected active leaks.

#### VIOLATIONS ONE THROUGH FOUR

There was no record of quarterly inspections having been conducted on the General Electric Pyranol Transformer (serial number E 68960) which was located at Ash Grove Cement West, Inc., until January of 1988.

#### REGULATION - REGISTRATION

40 C.F.R. § 761.30(a)(1)(vi) states that as of December 1, 1985, all PCB Transformers (including PCB Transformers in storage for reuse) must be registered with fire response personnel with primary jurisdiction (that is, the fire department or fire brigade which would normally be called upon for the initial response to a fire involving the equipment). Information required to be provided to fire response personnel for each PCB Transformer includes:

- (i) The location of the PCB Transformer (the address of the building and the physical location of the PCB Transformer on the building site and, for an outdoor PCB Transformer, the location of the outdoor substation).
- (ii) The principal constituent of the dielectric fluid in the transformer (e.g., PCBs, mineral oil, or silicone oil).
- (iii) The name and telephone number of the person to contact in the event of a fire involving the equipment.

#### VIOLATION FIVE

The General Electric Pyranol Transformer (serial number E 68960) was not registered with the Portland Fire Department.

#### REGULATION - RECORDS & MONITORING

40 C.F.R. § 761.180(a) states that, beginning July 2, 1978, each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors, shall develop and maintain records on the disposition of the PCBs and PCB Items. The records shall form the basis of an annual document prepared for each facility by July 1, covering the previous calendar year. The following information for each facility shall be included in the annual document:

- 1) The dates when PCBs and PCB Items are removed from service, are placed into storage for disposal, and are placed into transport for disposal. The quantities of the PCBs and PCB Items shall be indicated using the following breakdown:
  - i) Total weight in kilograms of any PCBs and PCB Items in PCB Containers, including the identification of container contents such as liquids and capacitors;
  - ii) Total number of PCB Transformers and total weight in kilograms of any PCBs contained in the transformers; and
  - iii) Total number of PCB Large High or Low Voltage Capacitors.
- 2) For PCBs and PCB Items removed from service, the location of the initial disposal or storage facility and the name of the owner or operator of the facility.
- 3) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, using the following breakdown:
  - i) Total weight in kilograms of any PCBs and PCB Items in PCB Containers, including the identification of container contents such as liquids and capacitors;
  - ii) Total number of PCB Transformers and total weight in kilograms of any PCBs contained in the transformers; and
  - iii) Total number of PCB Large High or Low Voltage Capacitors.

#### VIOLATIONS SIX THROUGH NINE

There were no PCB annual documents for the years 1988, 1987, 1986, and 1985. During these years, there was at least one PCB Transformer located at Ash Grove Cement West, Inc.

In addition to the above violations, there is another area that should be addressed to ensure compliance with the PCB Regulations: you should test all oil that is delivered to you to ensure that the oil contains less than 50 parts per million (ppm) PCB. Then you should maintain a log indicating the PCB levels of the oil going into the PCB-contaminated storage tank.

Samples obtained during the inspection were analyzed for PCBs by the State of Oregon Department of Environmental Quality analytical laboratory. A copy of the analytical report with our annotation is enclosed for your information. The analysis involved testing of the samples for eight characteristic and distinct mixtures of PCB. They are: Aroclor 1221, 1232, 1242, 1248, 1254, 1260, 1262, and 1016. The results are as follows:

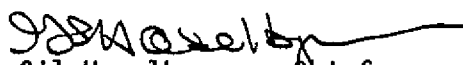
PCBs were not detected at the level of 10 ppm for Aroclor 1016, 1242, 1248, 1254, 1260, and 1262. PCBs were not detected at the level of 20 ppm for Aroclor 1232. PCBs were not detected at the level of 100 ppm for Aroclor 1221.

Although the laboratory analysis detected no PCBs, the analysis was not exhaustive, and the detection levels were such that one can not conclude that no PCBs were present above regulatory levels. Specifically, EPA does regulate PCBs below the detection limits used in the analysis, and down to 2 ppm PCB. Therefore, to ensure compliance with the PCB Regulations, you should consider resampling and testing each area previously sampled. Enclosed is information on burning of used oil containing 2 to less than 50 ppm PCB. Waste oil must be assumed to contain PCBs at quantifiable levels (2 ppm or greater), unless laboratory analysis proves otherwise. You are only allowed to burn such oil in an efficient manner, generally only in boilers of certain specified designs. Open burning or burning in an unapproved manner could constitute a serious violation of PCB Regulations.

You should be advised that TSCA authorizes penalties up to \$25,000 per day for each violation. Criminal penalties are authorized for knowing and wilful violations of the law. Correcting the conditions noted in this letter may prevent future violations. However, it will not provide protection from Agency enforcement action for those violations that have already occurred. Nothing in this letter should be construed to waive or limit any remedy available to EPA by virtue of conditions at your facility or the acts or omissions of your company. We are referring this case to EPA's Region 10 Office of Regional Counsel for possible enforcement action. In this regard, you will be receiving further correspondence from EPA.

Please understand that the aforementioned steps are being recommended to avoid risk to health and the environment. Your company bears the ultimate responsibility for taking all steps necessary to comply with the law. If you have any questions regarding this letter, please contact Barbara Ross of my staff. She can be reached at EPA Region 10, Pesticides and Toxic Substances Branch, Mail Stop AT-083, 1200 Sixth Avenue, AT-083, Seattle, Washington 98101, telephone (206) 442-1985.

Sincerely,

  
Gil Haselberger, Chief  
Toxic Substances Section

Enclosure



# ASH GROVE CEMENT WEST, INC.

P.O. BOX 83007, ST. JOHNS STATION • PORTLAND, OREGON 97283-0007  
PHONE: (503) 286-1677 • 1-800-544-8382 • FAX: (503) 289-2272

W.A.K.  
c/u  
H-11-90  
H-11-90  
12-4-90  
WILLIAM A. KISTLER  
PLANT MANAGER

November 8, 1990

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gil Haselberger, Chief  
Toxic Substances Section  
Region 10  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Wa 98101

Attn Of: At-083

Dear Mr. Haselberger:

Concerning your letter of October 29, 1990 and the EPA inspection of June 14, 1990 we would like to offer the following:

### VIOLATIONS ONE THROUGH FOUR

On the day of the inspection both our Plant Superintendent and our Maintenance Supervisor were away from the plant. I was doing a fill in job for them and indicated to Mr. Culver and Mr. Heister that I was not sure where some of the records were kept. They indicated that if additional information was required they would send a request. We had been doing a visual inspection of all transformers since 1984, however, since we did not have a company electrician or electrical man at the plant until 1987 these inspections were being done by our Electrical Contractor. I have attached copies of these inspections since 1985.

### VIOLATION FIVE

Ash Grove Cement West, Inc. was not covered by fire response personnel until June 30, 1990. We were outside the city boundaries and would have had to purchase a very expensive Fire Protection Contract, which we did not do. We were annexed into the City of Portland on June 30, 1990. We now have no PCB Transformers to register as all PCBS were removed in January of 1988.



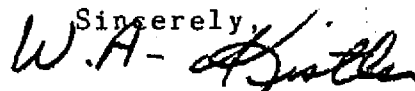
VIOLATIONS SIX THROUGH NINE

There were no leaks, transformer changes or other changes in our PCB situation from 1984 through 1987 so we felt the existing list of PCB transformers met requirement #3 of this regulation. I found that this information has been on file since 1979, updated each year. (Copies attached)

Under additional comments we were not aware that we were required to test each load of used oil. We have always required our oil vendors to supply a valid test of the oil we received. However, I can see the validity of your comments and can assure you that we will test all oil received in the future. We only burn such oil in a specified kiln and in an efficient manner. We are in the process of improving our oil receiving and handling area to prevent any spills or contamination.

I am sorry the inspectors did not obtain the information they needed at the time of their visit and can only claim ignorance on my part as to where the records were kept.

I hope this will clarify some of the questions. If I can be of assistance please call me at 503-286-1677.

Sincerely,  


William A. Kistler  
Plant Manager

WAK:tmg

cc: Barbara Ross, EPP region 10, Pesticides and Toxic  
Substances Branch, MAC-stop At-083,  
Sixth Avenue, Seattle, Wa 98101

Steve Sheridan, Vice President-Production, Ash Grove  
Cement West, Inc.



COPY

Reply To:  
Attn Of: SO-125

DEC 06 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CT Corporation System  
Registered Agent for  
Ash Grove Cement West, Inc.  
800 Pacific Building  
Portland, Oregon 97204

Re: Ash Grove Cement West, Inc.  
Toxic Substances Control Act  
Docket No. 1090-10-30-2615

Dear Registered Agent:

Enclosed is an administrative Complaint for the assessment of civil penalties that has been filed against Ash Grove Cement West, Inc., by the U.S. Environmental Protection Agency. A copy of the penalty policy and the Consolidated Rules of Practice that apply to this Complaint are also enclosed. Please read these documents carefully and respond within the time limit specified in the Complaint.

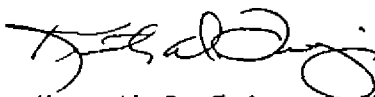
The Complaint alleges that Ash Grove Cement West, Inc., violated the recordkeeping provisions of the PCB (polychlorinated biphenyl) Regulations issued under the Toxic Substances Control Act (TSCA). As explained in the Complaint, unless you request and receive a written extension of time, you have twenty (20) days to do one of the following: -

1. arrange a settlement conference;
2. file a written Answer and request a hearing with an administrative law judge; or
3. pay the assessed penalty.

The specific procedures for each of the three options are explained in the Complaint. Also, as explained in the Complaint, if you fail to take one of the actions outlined above, a default order could be entered against you. After entry of an order of default, penalties can be assessed against you without further notice.

However, we are available to discuss with you the alleged violations and proposed penalties. In particular, we are willing to explore with you whether any of the expenditures you have incurred for proper disposal of regulated equipment may provide a basis for mitigating the proposed penalties. Such discussions may result in settlement which would make the filing of a written Answer unnecessary. Margaret Silver, Associate Regional Counsel, is the attorney handling this Complaint for EPA. If you want to arrange for a settlement conference, request a time extension, or have other questions, you may call her at (206) 553-1476.

Sincerely,



Kenneth D. Feigner, Chief  
Pesticides and Toxic Substances Branch

Enclosures

cc: ✓ William Kistler, Plant Manager  
Ash Grove Cement West, Inc.  
Bill Danson, EPA Headquarters

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7  
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
9

10 In the Matter of: )

DOCKET NO. 1090-10-30-2615

11 ASH GROVE CEMENT WEST, INC., )

COMPLAINT

12 Respondent. )  
13 \_\_\_\_\_

14  
15 I.

16 JURISDICTION  
17

18 1. This is an administrative action instituted pursuant to  
19 Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C.  
20 § 2615(a), for the assessment of a civil penalty. The Complainant is  
21 Region 10, United States Environmental Protection Agency (EPA). Complainant  
22 has reason to believe that the above-named Respondent has violated federal  
23 regulations addressing the use and/or disposal of polychlorinated biphenyls  
24 (PCBs) (40 C.F.R. Part 761 promulgated under Section 6 of TSCA), and thereby  
25 has violated Section 15 of TSCA, 15 U.S.C. § 2614.  
26  
27

II.

FINDINGS AND VIOLATIONS

2. On June 14, 1990, an EPA inspection was performed at Ash Grove Cement West, Inc., in Portland, Oregon. The purpose of the inspection was to determine compliance with TSCA, 15 U.S.C. § 2601 et seq., and specifically the PCB Regulations promulgated at 40 C.F.R. Part 761. Violations were documented as a result of the inspection; these violations and applicable regulations and requirements are set forth below.

3. REGULATION - RECORDS & MONITORING: 40 C.F.R. § 761.180(a) states that, beginning July 2, 1978, each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors, shall develop and maintain records on the disposition of the PCBs and PCB Items. The records shall form the basis of an annual document prepared for each facility by July 1, covering the previous calendar year. The following information for each facility shall be included in the annual document:

- 1) The dates when PCBs and PCB Items are removed from service, are placed into storage for disposal, and are placed into transport for disposal. The quantities of the PCBs and PCB Items shall be indicated using the following breakdown:

- 1 i) Total weight in kilograms of any PCBs and PCB Items in PCB  
2 Containers, including the identification of container contents  
3 such as liquids and capacitors;  
4 ii) Total number of PCB Transformers and total weight in kilograms  
5 of any PCBs contained in the transformers; and  
6 iii) Total number of PCB Large High or Low Voltage Capacitors.

- 7  
8 2) For PCBs and PCB Items removed from service, the location of the  
9 initial disposal or storage facility and the name of the owner or  
10 operator of the facility.

- 11  
12 3) Total quantities of PCBs and PCB Items remaining in service at the  
13 end of the calendar year, using the following breakdown:

- 14  
15 i) Total weight in kilograms of any PCBs and PCB Items in PCB  
16 Containers, including the identification of container contents  
17 such as liquids and capacitors;  
18 ii) Total number of PCB Transformers and total weight in kilograms  
19 of any PCBs contained in the transformers; and  
20 iii) Total number of PCB Large High or Low Voltage Capacitors.

21  
22 4. VIOLATIONS ONE THROUGH FOUR: There were no PCB annual  
23 documents for the years 1988, 1987, 1986, and 1985. During these years,  
24 there was at least one PCB Transformer in use or stored for reuse at Ash  
25 Grove Cement West, Inc., Portland, Oregon.

III.

PROPOSED CIVIL PENALTY

5. Section 16 of TSCA, 15 U.S.C. § 2615, authorizes a civil penalty of up to \$25,000.00 per day for each violation of TSCA. Based upon the violations cited in this Complaint, the nature, circumstances, extent, and gravity of the violations alleged, Respondent's ability to pay, effect on the Respondent's ability to continue to do business, Respondent's history of prior such violations, the degree of Respondent's culpability, and other such matters as justice requires, the Complainant proposes that Respondent be assessed the following penalty calculated in accordance with the PCB Penalty Policy. A copy of the Penalty Policy accompanies this Complaint.

6. The nature, circumstances, and gravity of Respondent's failure to maintain annual documents, as cited in Violations One through Four, are represented by Level Four on the matrix. The extent of these violations is represented by "significant" on the matrix. The amount of the penalty has been reduced by 50% since Respondent had all the information that is required for annual documents. However, the amount of the penalty was adjusted upward by 50% for Violations One through Four because of Respondent's prior violations of the PCB Regulations which resulted in a Consent Agreement and Final Order.

7. The proposed penalty reflects a presumption of Respondent's ability to pay the penalty and to continue in business. Respondent may submit appropriate documentation to rebut that presumption during settlement

1 negotiations. Taking into account all the above factors, the penalty for  
2 Respondent Ash Grove Cement West, Inc., as prescribed by the matrix, is  
3 \$18,000, calculated as set forth below. Based on the history of prior such  
4 violations by Respondent, on the degree of culpability of Respondent, and on  
5 other matters as justice requires, no further adjustment of the penalty is  
6 indicated at this time. If appropriate, further penalty adjustments may be  
7 made during settlement negotiations.

<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
40 C.F.R. § 761.180(a)	Recordkeeping	\$24,000 (\$6,000 x 4)
	50% reduction for having all information	<u>-\$12,000</u>
	Subtotal	\$12,000
	50% upward adjustment	<u>+\$6,000</u>
	T O T A L	\$18,000

14  
15 IV.

16 NOTICE OF OPPORTUNITY TO REQUEST A HEARING

17  
18 8. The Consolidated Rules of Practice, 40 C.F.R. Part 22, govern  
19 these proceedings. A copy of the Consolidated Rules of Practice accompanies  
20 this Complaint. Under those rules, Respondent has the right to request a  
21 formal hearing to contest any material fact set forth in this complaint or  
22 to contest the appropriateness of the proposed penalty.

23  
24 9. To avoid being found in default, which constitutes an  
25 admission of all material facts alleged in the Complaint and a waiver of the  
26 right to a hearing, and which will effect the assessment of the above civil  
27



1 penalty without further proceedings, Respondent must file with the Regional  
2 Hearing Clerk a written Answer within twenty (20) days after service of this  
3 Complaint. Respondent's Answer must clearly and directly admit, deny, or  
4 explain each of the factual allegations contained in this Complaint with  
5 regard to which Respondent has any knowledge. Where Respondent has no  
6 knowledge of a particular fact and so states, the allegation is deemed  
7 denied. Failure to deny any material factual allegation constitutes an  
8 admission of the allegation. The Answer shall also state: (1) the  
9 circumstances or arguments which are alleged to constitute the grounds of  
10 defense; (2) the facts which Respondent intends to place at issue; and, (3)  
11 whether a hearing is requested. A hearing is deemed requested should  
12 Respondent contest any material fact upon which the Complaint is based or  
13 raise any affirmative defense, or contend that the amount of the penalty  
14 proposed in the Complaint is inappropriate, or claim that Respondent is  
15 entitled to judgment as a matter of law. The Answer must be sent to:

16  
17 Regional Hearing Clerk, Region 10  
18 U.S. Environmental Protection Agency  
19 1200 Sixth Avenue, S0-125  
20 Seattle, Washington 98101

21 10. A copy of the Answer and all other documents which Respondent  
22 shall file in this action must be furnished to Margaret Silver, Associate  
23 Regional Counsel, the attorney assigned to represent EPA in this matter, at:

24 Office of Regional Counsel, Region 10  
25 U.S. Environmental Protection Agency  
26 1200 Sixth Avenue, S0-125  
27 Seattle, Washington 98101

V.

INFORMAL SETTLEMENT CONFERENCE

11. Whether or not a hearing is requested, Respondent may contact the above-named attorney to arrange for an informal settlement conference to discuss the facts of this case, the amount of the proposed penalty, or the possibility of settlement. An informal settlement conference does not, however, affect Respondent's obligation to file a timely written Answer to the Complaint.

12. EPA has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement reached with Respondent in an informal conference. The terms of such an agreement would be embodied in a Consent Agreement and Consent Order. A Consent Agreement and Consent Order entered into by and between EPA and Respondent would be binding as to all terms and conditions specified therein upon signature by both parties and the EPA Regional Administrator.


13. Respondent is advised that, after the Complaint is issued, the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the EPA Regional Administrator, Chief Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of this case.

VI.

PAYMENT OF PENALTY

14. Instead of requesting an informal settlement conference or filing an Answer requesting a hearing, Respondent may choose to pay the proposed penalty. In order to do this, Respondent must first establish contact with the EPA attorney named in Paragraph 10 of this Complaint to arrange for the preparation of a Consent Agreement and Consent Order.

ISSUED AT SEATTLE this 6<sup>th</sup> day of December, 1990.

  
KENNETH D. FEIGNER, Chief  
Pesticides and Toxic Substances Branch


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6 CERTIFICATE OF SERVICE  
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9 I hereby certify that the original of the foregoing Complaint, Docket  
10 Number 1090-10-30-2615, has been filed with the Region 10 Hearing Clerk, and  
11 that a true and correct copy thereof (with accompanying copy of the  
12 Consolidated Rules of Practice and the Polychlorinated Biphenyls (PCB) Penalty  
13 Policy) was sent by Certified Mail, Return Receipt Requested, to:  
14  
15  
16

17 C.T. Corporation System  
18 Registered Agent for  
19 Ash Grove Cement West, Inc.  
20 800 Pacific Building  
21 Portland, Oregon 97204  
22  
23

24 DEC 11 1991

25 DATE

26   
27 NAME R.V. Corsilles  
28 PTSB, Region 10

TITLE



WAK.

c/u  
H-11-90  
H-11-90  
12-4-90

# ASH GROVE CEMENT WEST, INC.

P.O. BOX 83007, ST. JOHNS STATION • PORTLAND, OREGON 97283-0007  
PHONE: (503) 286-1677 • 1-800-544-8382 • FAX: (503) 289-2272

WILLIAM A. KISTLER  
PLANT MANAGER

November 8, 1990

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Gil Haselberger, Chief  
Toxic Substances Section  
Region 10  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Wa 98101

Attn Of: At-083

Dear Mr. Haselberger:

Concerning your letter of October 29, 1990 and the EPA inspection of June 14, 1990 we would like to offer the following:

**VIOLATIONS ONE THROUGH FOUR**

On the day of the inspection both our Plant Superintendent and our Maintenance Supervisor were away from the plant. I was doing a fill in job for them and indicated to Mr. Culver and Mr. Heister that I was not sure where some of the records were kept. They indicated that if additional information was required they would send a request. We had been doing a visual inspection of all transformers since 1984, however, since we did not have a company electrician or electrical man at the plant until 1987 these inspections were being done by our Electrical Contractor. I have attached copies of these inspections since 1985.

**VIOLATION FIVE**

Ash Grove Cement West, Inc. was not covered by fire response personnel until June 30, 1990. We were outside the city boundaries and would have had to purchase a very expensive Fire Protection Contract, which we did not do. We were annexed into the City of Portland on June 30, 1990. We now have no PCB Transformers to register as all PCBS were removed in January of 1988.

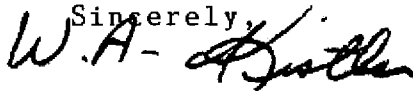
VIOLATIONS SIX THROUGH NINE

There were no leaks, transformer changes or other changes in our PCB situation from 1984 through 1987 so we felt the existing list of PCB transformers met requirement #3 of this regulation. I found that this information has been on file since 1979, updated each year. (Copies attached)

Under additional comments we were not aware that we were required to test each load of used oil. We have always required our oil vendors to supply a valid test of the oil we received. However, I can see the validity of your comments and can assure you that we will test all oil received in the future. We only burn such oil in a specified kiln and in an efficient manner. We are in the process of improving our oil receiving and handling area to prevent any spills or contamination.

I am sorry the inspectors did not obtain the information they needed at the time of their visit and can only claim ignorance on my part as to where the records were kept.

I hope this will clarify some of the questions. If I can be of assistance please call me at 503-286-1677.

Sincerely,  


William A. Kistler  
Plant Manager

WAK:tmg

cc: Barbara Ross, EPP region 10, Pesticides and Toxic  
Substances Branch, MAC-stop At-083,  
Sixth Avenue, Seattle, Wa 98101

Steve Sheridan, Vice President-Production, Ash Grove  
Cement West, Inc.

MONTHLY CALL UP SHEET FOR INSPECTION OF TRANSFORMERS, ETC.

<u>MONTH</u>	<u>DATE</u>	<u>INITIALED</u>
JANUARY 1, 1990	<u>1/2/90</u>	<u>RLB</u>
FEBRUARY 1	<u>2/2/90</u>	<u>RLB</u>
MARCH 1	<u>3/1/90</u>	<u>RLB</u>
APRIL 1	<u>4/2/90</u>	<u>RLB</u>
MAY 1	<u>5/2/90</u>	<u>RLB</u>
JUNE 1	<u>6/1/90</u>	<u>RLB</u>
JULY 1	<u>7/3/90</u>	<u>RLB</u>
AUGUST 1	<u>8/13/90</u>	<u>RLB</u>
SEPTEMBER 1	<u>9/4/90</u>	<u>RLB</u>
OCTOBER 1	<u>10/1/90</u>	<u>RLB</u>
NOVEMBER 1	<u>                    </u>	<u>                    </u>
DECEMBER 1	<u>                    </u>	<u>                    </u>
JANUARY 1, 1991	<u>                    </u>	<u>                    </u>
FEBRUARY 1	<u>                    </u>	<u>                    </u>
MARCH 1	<u>                    </u>	<u>                    </u>
APRIL 1	<u>                    </u>	<u>                    </u>
MAY 1	<u>                    </u>	<u>                    </u>
JUNE 1	<u>                    </u>	<u>                    </u>
JULY 1	<u>                    </u>	<u>                    </u>
AUGUST 1	<u>                    </u>	<u>                    </u>
SEPTEMBER 1	<u>                    </u>	<u>                    </u>
OCTOBER 1	<u>                    </u>	<u>                    </u>
NOVEMBER 1	<u>                    </u>	<u>                    </u>
DECEMBER 1	<u>                    </u>	<u>                    </u>

MONTHLY CALL UP SHEET FOR INSPECTION OF TRANSFORMERS, ETC.

<u>MONTH</u>	<u>DATE</u>	<u>INITIALED</u>
<u>JANUARY, 1988</u>	<u>8<sup>TH</sup></u>	<u>RAB</u>
FEBRUARY	<u>18<sup>TH</sup></u>	<u>RAB</u>
MARCH	<u>9<sup>TH</sup></u>	<u>RAB</u>
APRIL	<u>6<sup>TH</sup></u>	<u>RAB</u>
MAY	<u>10<sup>TH</sup></u>	<u>RAB</u>
JUNE	<u>16<sup>TH</sup></u>	<u>RAB</u>
JULY	<u>21<sup>ST</sup></u>	<u>RAB</u>
AUGUST	<u>17<sup>TH</sup></u>	<u>RAB</u>
SEPTEMBER	<u>12<sup>TH</sup></u>	<u>RAB</u>
OCTOBER	<u>10<sup>TH</sup></u>	<u>RAB</u>
NOVEMBER	<u>2<sup>nd</sup></u>	<u>RAB</u>
DECEMBER	<u>1<sup>ST</sup></u>	<u>RAB</u>
<u>JANUARY, 1989</u>	<u>3<sup>rd</sup></u>	<u>RAB</u>
FEBRUARY	<u>1<sup>ST</sup></u>	<u>RAB</u>
MARCH	<u>1<sup>ST</sup></u>	<u>RAB</u>
APRIL	<u>4<sup>TH</sup></u>	<u>RAB</u>
MAY	<u>2<sup>nd</sup></u>	<u>RAB</u>
JUNE	<u>2<sup>nd</sup></u>	<u>RAB</u>
JULY	<u>7<sup>TH</sup></u>	<u>RAB</u>
AUGUST	<u>1<sup>ST</sup></u>	<u>RAB</u>
SEPTEMBER	<u>1<sup>ST</sup></u>	<u>RAB</u>
OCTOBER	<u>2<sup>nd</sup></u>	<u>RAB</u>
NOVEMBER	<u>1<sup>ST</sup></u>	<u>RAB</u>
DECEMBER	<u>1<sup>ST</sup></u>	<u>RAB</u>



MONTHLY CALL UP SHEET FOR INSPECTION OF TRANSFORMERS, ETC.

MONTH	DAY	INITIAL
JANUARY	<u>1-29-87</u>	<u>BRH</u>
FEBRUARY	<u>—</u>	<u>—</u>
MARCH	<u>—</u>	<u>—</u>
APRIL	<u>4-29-87</u>	<u>BRH</u>
MAY	<u>5-1-87</u>	<u>BRH</u>
JUNE	<u>—</u>	<u>—</u>
JULY	<u>7-1-87</u>	<u>BRH</u>
AUGUST	<u>—</u>	<u>BRH</u>
SEPTEMBER	<u>9/9/87</u>	<u>BRH</u>
OCTOBER	<u>10/7/87</u>	<u>BRH</u>
NOVEMBER	<u>11/10/87</u>	<u>BRH</u>
DECEMBER	<u>12/12/87</u>	<u>BRH</u>

☒ ~~PCB~~ Type eliminated  
☐ Dry Type  
☐ oil filled

ASHGROVE LIME  
EQUIPMENT LIST.

PAGE 1 OF 3

TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

12-30-85

LOCATION	EQUIPMENT	GALS.	KILOGRAM
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. # 37F541G1 (480V, 3Ø)	13.36	369.80
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 3Ø) G.E. # 55F312AD. PYRANOL FILLED.	0.625	17.30
MAIN SUBSTATION	2000 KVA TRANSFORMER SER No E 68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.80
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM.	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. # 6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 M12	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. # 55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. # 55L345KE	1.24 NON PCB	

ASHGROVE LIME  
EQUIPMENT LIST

PAGE 2 OF 3

TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAM
KILN 3 I.D. FAN	60 KYAR CAPACITOR . DIELEKTROL FILLED. G.E. # 55L516KE	2.7 NON PCB.	
MCC # 2 ROOM	2- 15 KVAR CAPACITOR BANK. G.E. # 37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC # 2 ROOM.	30 KVA TRANSFORMER. 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC # 1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC # 1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC # 3	50 KVAR CAPACITOR BANK OF 2-25KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. # 37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
SHOP	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT, UPTGRAFF.	DRY	
SHOP MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. # 55F314AD	1.10	30.45
MCC # 6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL. EA. G.E. # 37F541G1. 480V, 3Ø.	7.92	219.23

ASHGROVE LIME  
EQUIPMENT LIST

PAGE 3 OF 3

TRANSFORMERS & CAPACITORS (WITH PCB: WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS	KILOGRAMS
LIME LOADING MCC # 6	2 - 30KVA TRANSFORMERS, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF.	DRY	
OFFICE	30 KVA TRANSFORMER, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF	DRY.	

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

12-30- 1986

LOCATION	EQUIPMENT	GALS.	KILOGRAMS
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.8
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 3Ø) G.E. #55F312AD. PYRANOL FILLED.	0.625	17.3
MAIN SUBSTATION	2000 KVA TRANSFORMER SER No. E68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.8
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM,	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MCM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 #12 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (Exhaust Fan)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L516KE	2.7 NON PCB	
MCC #2 ROOM	2-15 KVAR CAPACITOR BANK. G.E. #37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC #1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC #3	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. #37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
LIME LOADING ON TOP MILL OFFICE	2-30 KVA TRANSFORMERS, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF.	DRY	
OFFICE, PLANT	30 KVA TRANSFORMER, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF.	DRY	
KILN MCC #9	TRANSFORMER 25 KVA 240/480 VOLTS TYPE 5	DRY	
AG MILL SUB STATION	TRANSFORMER, 3750/4200 KVA SER. # SET 4045-0101 12500-2400 VOLTS CLASS OA OIL INSULATED.	403 NON PCB	
AG MILL SUB STATION	TRANSFORMER, 1000/1120 KVA SER. # PAT 2400-480/277 VOLTS 1945-0101 CLASS OA OIL INSULATED	156 NON PCB	
AG MILL MCC ROOM	TRANSFORMER 50 KVA, SER.#, TYPE QL-WITH WP KIT NAME-QHT, QUIET TRANSFORMER 120/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM * 3 EACH	TRANSFORMER 3 KVA TYPE EPT T6E3017, 480/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM	TRANSFORMER 10 KVA SER # EY 240/480 VOLT BREAKER TYPE	NON PCB	
COAL MCC	TRANSFORMER 10 KVA CAT. NO.# T10s1F 240/480-120/240 VOLTS	DRY NON PCB	
MAINTENANCE SHOP	TRANSFORMER 15 KVA TYPE S 480 120/240 VOLTS	DRY NON PCB	

## EQUIPMENT LIST

## TRANSFORMERS &amp; CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.8
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 3Ø) G.E. #55F312AD. PYRANOL FILLED.	0.625	17.3
MAIN SUBSTATION	2000 KVA TRANSFORMER SER No. E68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.8
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM,	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 M2 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (Exhaust Fan)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L516KE	2.7 NON PCB	
MCC #2 ROOM	2-15 KVAR CAPACITOR BANK. G.E. #37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC #1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC #3	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. #37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
LIME LOADING ON TOP MILL OFFICE	2-30 KVA TRANSFORMERS, 480-120/208V, 3Ø. TYPE DLT. UPTEGRAFF.	DRY	
OFFICE, PLANT	30 KVA TRANSFORMER, 480-120/208V, 3Ø. TYPE DLT. UPTEGRAFF.	DRY	
KILN MCC #9	TRANSFORMER 25 KVA 240/480 VOLTS TYPE 5	DRY	
AG MILL SUB STATION	TRANSFORMER, 3750/4200 KVA SER. # SET 4045-0101 12500-2400 VOLTS CLASS OA OIL INSULATED	403 NON PCB	
AG MILL SUB STATION	TRANSFORMER, 1000/1120 KVA SER. # PAT 2400-480/277 VOLTS 1945-0101 CLASS OA OIL INSULATED	156 NON PCB	
AG MILL MCC ROOM	TRANSFORMER 50 KVA, SER.#, TYPE QL-WITH WP KIT NAME-QHT, QUIET TRANSFORMER 120/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM * 3 EACH	TRANSFORMER 3 KVA TYPE EPT T6E3017, 480/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM	TRANSFORMER 10 KVA SER # EY 240/480 VOLT BREAKER TYPE	NON PCB	
COAL MCC	TRANSFORMER 10 KVA CAT. NO.# T10s1F 240/480-120/240 VOLTS	DRY NON PCB	
MAINTENANCE SHOP	TRANSFORMER 15 KVA TYPE S 480 120/240 VOLTS	DRY NON PCB	



ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS

2-1-88

15-1

LOCATION	EQUIPMENT	GALS.	KILOGRAM
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR	DRY	369.80
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 30)	DRY	17.30
MAIN SUBSTATION	2000 KVA TRANSFORMER (WESTINGHOUSE) OIL FILLED	NON-PCB	
KILN MCC ROOM	1 KVA TRANSFORMER 120/120-12/24 V, 10. ZINSCO. AIR. COND. & HEATING W/FURNACE RM.	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120-12/24 V, 10 TYPE H. UPTEGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480-120/208V, 30, TYPE DLT. UPTEGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480 -120/208V, 30, #6T1086. MCM.	DRY	
MCC 10	30 KVA TRANSFORMER 480-120/208V, 30.	DRY	
KILN 3 M12 (#3 CUMBUSTION FAN)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E., #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED, G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (EXHAUST FAN)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. \$55L516KE	2.7 NON PCB	
MCC #2 ROOM ROCK HANDLING	2-15 KVAR CAPACITOR BANK.	DRY	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 30, TYPE DLT. UPTEGRAFF	DRY	
MCC #1 ROOM ROCK UNLOADING	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS	DRY	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 30, TYPE DLT. UPTEGRAFF	DRY	
CRUSHER MCC #3 TOP	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS	DRY	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 30, TYPE DLT., UPTEGRAFF	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 30, TYPE DLT., UPTEGRAFF	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V,	DRY	30.45
MCC #6 HYD. BLDG.	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS	DRY	219.23

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS
LIME LOADING ON TOP MILL OFFICE	2-30 KVA TRANSFORMERS, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF,	DRY	
OFFICE, PLANT	30 KVA TRANSFORMER, 480-120/208V, 3Ø. TYPE DLT. UPTGRAFF.	DRY	
KILN MCC #9	TRANSFORMER 25 KVA 240/480 VOLTS TYPE 5	DRY	
AG MILL SUB STATION	TRANSFORMER, 3750/4200 KVA SER. # SET 4045-0101 12500-2400 VOLTS CLASS OA OIL INSULATED	403 NON PCB	
AG MILL SUB STATION	TRANSFORMER, 1000/1120 KVA SER. # PAT 2400-480/277 VOLTS 1945-0101 CLASS OA OIL INSULATED	156 NON PCB	
AG MILL MCC ROOM	TRANSFORMER 50 KVA, SER.#, TYPE QL-WITH WP KIT NAME-QHT, QUIET TRANSFORMER 120/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM * 3 EACH	TRANSFORMER 3 KVA TYPE EPT T6E3017. 480/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM	TRANSFORMER 10 KVA SER # EY 240/480 VOLT BREAKER TYPE	NON PCB	
COAL MCC	TRANSFORMER 10 KVA CAT. NO.# T10s1F 240/480-120/240 VOLTS	DRY NON PCB	
MAINTENANCE SHOP	TRANSFORMER 15 KVA TYPE S 480 120/240 VOLTS	DRY NON PCB	

ASTROGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS

2-1-89

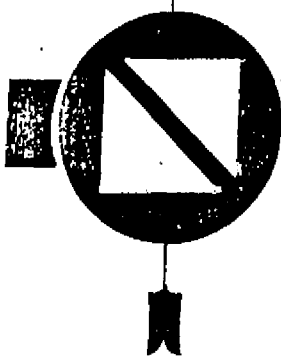
LOCATION	EQUIPMENT	GALS.	KILOGRAMS
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR	DRY	369.80
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V,30)	DRY	17.30
MAIN SUBSTATION	2000 KVA TRANSFORMER (WESTINGHOUSE) OIL FILLED	NON-PCB	
KILN MCC ROOM	1 KVA TRANSFORMER 120/120-12/24 V, 10. ZINSCO. AIR. COND. & HEATING W/FURNACE RM.	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120-12/24 V, 10 TYPE H. UPTEGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480-120/208V, 30, TYPE DLT. UPTEGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480 -120/208V, 30, #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER 480-120/208V, 30.	DRY	
KILN 3 M12 (#3 CUMBUSTION FAN)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E., #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED, G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (EXHAUST FAN)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. \$55L516KE	2.7 NON PCB	
MCC #2 ROOM ROCK HANDLING	2-15 KVAR CAPACITOR BANK.	DRY	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 30, TYPE DLT. UPTEGRAFF	DRY	
MCC #1 ROOM ROCK UNLOADING	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS	DRY	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 30, TYPE DLT. UPTEGRAFF	DRY	
CRUSHER MCC #3 TOP	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS	DRY	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 30, TYPE DLT., UPTEGRAFF	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 30, TYPE DLT., UPTEGRAFF	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V,	DRY	30.45
MCC #6 HYD. BLDG.	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS	DRY	219.23

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
LIME LOADING ON TOP MILL OFFICE	2-30 KVA TRANSFORMERS, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF;	DRY	
OFFICE, PLANT	30 KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
KILN MCC #9	TRANSFORMER 25 KVA 240/480 VOLTS TYPE 5	DRY	
AG MILL SUB STATION	TRANSFORMER, 3750/4200 KVA SER. # SET 4045-0101 12500-2400 VOLTS CLASS OA OIL INSULATED	403 NON PCB	
AG MILL SUB STATION	TRANSFORMER, 1000/1120 KVA SER. # PAT 2400-480/277 VOLTS 1945-0101 CLASS OA OIL INSULATED	156 NON PCB	
AG MILL MCC ROOM	TRANSFORMER 50 KVA, SER. #, TYPE OL-WITH WP KIT NAME-QHT, QUIET TRANSFORMER 120/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM * 3 EACH	TRANSFORMER 3 KVA TYPE EPT T6E3017 480/240 VOLT	DRY NON PCB	
AG MILL MCC ROOM	TRANSFORMER 10 KVA SER # EY 240/480 VOLT BREAKER TYPE	NON PCB	
COAL MCC	TRANSFORMER 10 KVA CAT. NO. # T10s1F 240/480-120/240 VOLTS	DRY NON PCB	
MAINTENANCE SHOP	TRANSFORMER 15 KVA TYPE S 480 120/240 VOLTS	DRY NON PCB	

CLACKAMAS  
MULTNOMAH  
WASHINGTON

11-1



**PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION**

320 S.W. STARK STREET (SUITE 530)

PORTLAND, OREGON 97204

PHONE: 229-5307

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT AT 7:00 PM ON THURSDAY MARCH 15, 1990, IN ROOM 602, MULTNOMAH COUNTY COURTHOUSE 1021 SW 4TH AVE., PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION ON PROPOSALS, INCLUDING THE ONE LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. 2632 - ANNEXATION TO THE CITY OF PORTLAND of territory located generally in the N portion of the City, E of the Willamette River & W of N Rivergate Blvd.; more particularly TL 19, Sec. 26, T2N, R1W, W.M., Mult. Co. Or,

GENERAL INFORMATION, DETAILED MAPS AND AN AGENDA, LISTING ORDER OF ITEMS INCLUDING THE ONE LISTED ABOVE MAY BE OBTAINED BY CALLING 229-5307.

February 9, 1990

Wayne Atteberry, Chairman

*ANNEXED June 30, 1990*

**STAFF:**

KENNETH S. MARTIN, Executive Officer  
DENIECE WON, Executive Assistant  
MARCIA GWYNNE, Executive Assistant  
LANA RULIEN, Administrative Assistant

**COMMISSIONERS:**

WAYNE ATTEBERRY, Chairman  
RAYMOND BARTEL, Vice Chairman  
BOB BOUNEFF  
SUE CLARK  
ELEANOR DAVIS  
JOHN HALL

MARILYNN HELZERMAN  
SY KORN BRODT  
MURLIN LITSON  
DANA PECK  
RICHARD WEILL  
TOM WHITTAKER

21490  
11-8-90



## ASH GROVE CEMENT WEST, INC.

P.O. BOX 83007, ST. JOHNS STATION • PORTLAND, OREGON 97283-0007  
PHONE: (503) 286-1677 • 1-800-544-8382 • FAX: (503) 289-2272

WILLIAM A. KISTLER  
PLANT MANAGER

November 2, 1990

Mr. Reed Gibson  
Electrical Construction Co.  
2121 N.W. Thurman Street  
P.O. Box 10286  
Portland, OR 97210

Dear Reed:

In 1984 Ash Grove Cement Co. requested your organization to evaluate, mark, and monitor all the PCB containing electrical equipment in the Rivergate Plant. In June of 1990 we were inspected by representatives of the EPA and evidently we did not have records enough on hand to indicate compliance with their regulations. Please look at your records regarding our equipment and forward any information you may have for the period of 1985 through 1986. We have records of inspections since 1987 when we started a monthly check. Any information you may have would be of help.

Sincerely,

William A. Kistler

WAK:mm



2121 N.W. Thurman Street  
P.O. Box 10286  
Portland, Oregon 97210-0286  
Telephone (503) 224-3511  
Fax No. (503) 242-0953

## ELECTRICAL CONSTRUCTION COMPANY

November 7, 1990

Mr. William A. Kistler  
Ashgrove Cement West, Inc.  
P.O. Box 83007 St. Johns Station  
Portland, OR 97283-0007

RE: P.C.B. Transformer & Capacitor Inspections

Dear Mr. Kistler:

As per your request we have enclosed worksheets from inspections made on the Transformers and Capacitors containing PCB's for 1985 and 1986.

If we can be of further assistance please feel free to contact me at any time.

Sincerely,

ELECTRICAL CONSTRUCTION COMPANY

*Reed Gibson*

Reed Gibson  
Manager,  
Technical & Services Division

RG:caj

Enclosure

cajashgr.rg

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.80
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 3Ø) G.E. #55F312AD. PYRANOL FILLED	0.625	17.30
MAIN SUBSTATION	2000 KVA TRANSFORMER SER No. E68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.80
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM,	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 #12 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (Exhaust Fan)	60 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L516KE	2.7 NON PCB	
MCC #2 ROOM	2-15 KVAR CAPACITOR BANK. G.E. #37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC #1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC #3	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. #37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL. EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

11/5/86 No Leaks Found Reed Gibson.



ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.80
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MAIN SUBSTATION	2000 KVA TRANSFORMER SER No. E68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.80
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM.	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 #12 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (Exhaust Fan)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L516KE	2.7 NON PCB	
MCC #2 ROOM	2-15 KVAR CAPACITOR BANK. G.E. #37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC #1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC #3	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. #37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

OK No Leaks Found 8/4/86 Reed Rubin

ASHGROVE LINE  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

LOCATION	EQUIPMENT	GALS.	KILOGRAMS.
KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.80
KILN MCC ROOM	7.5 KVAR CAPACITOR (480V, 3Ø) G.E. #55F312AD. PYRANOL FILLED.	0.625	17.30
MAIN SUBSTATION	2000 KVA TRANSFORMER SER No. E68960. 12000-480/277 V, 3Ø G.E. PYRANOL FILLED	385.	10656.80
KILN MCC ROOM	1 KVA TRANSFORMER 120/240-12/24 V, 1Ø. ZINSCO. AIR COND. & HEATING - WITH FURNACE ROOM.	DRY	
KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 #12 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
KILN 3 AIR COMP.	20 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L345KE	1.2 4 NON PCB	
KILN 3 I.D. FAN (Exhaust Fan)	60 KYAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L516KE	2.7 NON PCB	
MCC #2 ROOM	2-15 KVAR CAPACITOR BANK. G.E. #37F540G1. PYRANOL FILLED 1.10 GAL. EACH.	2.2	60.90
MCC #2 ROOM	30 KVA TRANSFORMER. 480-120/208 V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
MCC #1 ROOM	60 KVAR CAPACITOR BANK OF 3-20KVAR CAPACITORS. PYRANOL FILLED 1.67 GAL. EACH	5.01	138.68
MCC #1 ROOM	45 KVA TRANSFORMER 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
CRUSHER MCC #3	50 KVAR CAPACITOR BANK OF 2-25 KVAR CAPACITORS. PYRANOL FILLED 1.98 GAL. EACH G.E. #37F540G1.	3.96	109.61
CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL. EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

No Leaks 5/20/86 Reed

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

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KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.80
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KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
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STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
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1-20-86 No Leaks Reed *Reed*

ASHGROVE LIME  
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KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
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CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

OK No Leaks found 10/7/86 Reed [Signature]

ASHGROVE LIME  
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KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
MCC 10	30 KVA TRANSFORMER. 480-120/208V, 3Ø.	DRY	
KILN 3 #12 (#3 Combustion Fan)	50 KVAR CAPACITOR. DIELEKTROL FILLED. G.E. #55L347KE	2.1 NON PCB	
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STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

No Leaks 8-20-85

ASHGROVE LIME  
EQUIPMENT LIST  
TRANSFORMERS & CAPACITORS (WITH PCB'S WHERE APPLICABLE)

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KILN MCC ROOM	2 CAPACITOR BANKS, EACH CONSISTING OF 4-20 KVAR PYRANOL FILLED CAPACITORS (1.67 GALS EACH) G.E. 37F541G1 (480V, 3Ø)	13.36	369.80
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KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
MCC 9	30 KVA TRANSFORMER 480-120/208 V, 3Ø. #6T1086. MGM.	DRY	
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CRUSHER	45KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES	30KVA TRANSFORMER, 480-120/208V, 3Ø, TYPE DLT. UPTGRAFF.	DRY	
STORES MCC 8	15 KVAR CAPACITOR. 480V, 3Ø PYRANOL FILLED. G.E. #55F314AD	1.10	30.45
MCC #6	100 KVAR CAPACITOR BANK OF 4-25KVAR CAPACITORS, PYRANOL FILLED, 1.98 GAL.EA. G.E. #37F541G1. 480V, 3Ø.	7.92	219.23

OK No Leaks 6-25-85 Reed

ASHGROVE LIME  
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KILN MCC ROOM	3 KVA TRANSFORMER 480-120 - 12/240 V, 1Ø, TYPE H. UPTGRAFF	DRY	
KILN MCC ROOM	45 KVA TRANSFORMER 480 - 120/208V, 3Ø, TYPE DLT. UPTGRAFF	DRY	
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No Leaks found 2-13-85 Reed Starn

*all Good*

ASH GROVE CEMENT WEST, INC.  
Inter-Office Memorandum

DATE: JANUARY 7, 1991  
TO: ALL PLANT MANAGERS  
FROM: STEVE SHERIDAN  
SUBJECT: CITATION

=====

Attached is a copy of a citation received by the Rivergate plant from the EPA regarding our failure to provide the proper recordkeeping under the Toxic Substances Control Act (TSCA). I want to be sure that the rest of our plants are in compliance with these recordkeeping provisions.

If you have any questions, please contact Doug Hale.



SES/ejj





Reply To:  
Attn Of: SO-125

DEC 06 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CT Corporation System  
Registered Agent for  
Ash Grove Cement West, Inc.  
800 Pacific Building  
Portland, Oregon 97204

Re: Ash Grove Cement West, Inc.  
Toxic Substances Control Act  
Docket No. 1090-10-30-2615

Dear Registered Agent:

Enclosed is an administrative Complaint for the assessment of civil penalties that has been filed against Ash Grove Cement West, Inc., by the U.S. Environmental Protection Agency. A copy of the penalty policy and the Consolidated Rules of Practice that apply to this Complaint are also enclosed. Please read these documents carefully and respond within the time limit specified in the Complaint.

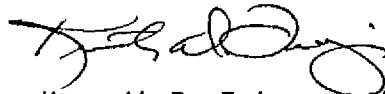
The Complaint alleges that Ash Grove Cement West, Inc., violated the recordkeeping provisions of the PCB (polychlorinated biphenyl) Regulations issued under the Toxic Substances Control Act (TSCA). As explained in the Complaint, unless you request and receive a written extension of time, you have twenty (20) days to do one of the following:

1. arrange a settlement conference;
2. file a written Answer and request a hearing with an administrative law judge; or
3. pay the assessed penalty.

The specific procedures for each of the three options are explained in the Complaint. Also, as explained in the Complaint, if you fail to take one of the actions outlined above, a default order could be entered against you. After entry of an order of default, penalties can be assessed against you without further notice.

However, we are available to discuss with you the alleged violations and proposed penalties. In particular, we are willing to explore with you whether any of the expenditures you have incurred for proper disposal of regulated equipment may provide a basis for mitigating the proposed penalties. Such discussions may result in settlement which would make the filing of a written Answer unnecessary. Margaret Silver, Associate Regional Counsel, is the attorney handling this Complaint for EPA. If you want to arrange for a settlement conference, request a time extension, or have other questions, you may call her at (206) 553-1476.

Sincerely,



Kenneth D. Feigner, Chief  
Pesticides and Toxic Substances Branch

Enclosures

cc: William Kistler, Plant Manager  
Ash Grove Cement West, Inc.  
Bill Danson, EPA Headquarters

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7  
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
9

10 In the Matter of: )  
11 ASH GROVE CEMENT WEST, INC., )  
12 Respondent. )  
13 \_\_\_\_\_ )

DOCKET NO. 1090-10-30-2615

COMPLAINT

14  
15 I.

16 JURISDICTION

17  
18 1. This is an administrative action instituted pursuant to  
19 Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C.  
20 § 2615(a), for the assessment of a civil penalty. The Complainant is  
21 Region 10, United States Environmental Protection Agency (EPA). Complainant  
22 has reason to believe that the above-named Respondent has violated federal  
23 regulations addressing the use and/or disposal of polychlorinated biphenyls  
24 (PCBs) (40 C.F.R. Part 761 promulgated under Section 6 of TSCA), and thereby  
25 has violated Section 15 of TSCA, 15 U.S.C. § 2614.  
26  
27

II.

FINDINGS AND VIOLATIONS

2. On June 14, 1990, an EPA inspection was performed at Ash Grove Cement West, Inc., in Portland, Oregon. The purpose of the inspection was to determine compliance with TSCA, 15 U.S.C. § 2601 et seq., and specifically the PCB Regulations promulgated at 40 C.F.R. Part 761. Violations were documented as a result of the inspection; these violations and applicable regulations and requirements are set forth below.

3. REGULATION - RECORDS & MONITORING: 40 C.F.R. § 761.180(a) states that, beginning July 2, 1978, each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors, shall develop and maintain records on the disposition of the PCBs and PCB Items. The records shall form the basis of an annual document prepared for each facility by July 1, covering the previous calendar year. The following information for each facility shall be included in the annual document:

- 1) The dates when PCBs and PCB Items are removed from service, are placed into storage for disposal, and are placed into transport for disposal. The quantities of the PCBs and PCB Items shall be indicated using the following breakdown:

- 1           i) Total weight in kilograms of any PCBs and PCB Items in PCB  
2           Containers, including the identification of container contents  
3           such as liquids and capacitors;  
4           ii) Total number of PCB Transformers and total weight in kilograms  
5           of any PCBs contained in the transformers; and  
6           iii) Total number of PCB Large High or Low Voltage Capacitors.

- 7  
8           2) For PCBs and PCB Items removed from service, the location of the  
9           initial disposal or storage facility and the name of the owner or  
10          operator of the facility.

- 11  
12          3) Total quantities of PCBs and PCB Items remaining in service at the  
13          end of the calendar year, using the following breakdown:

- 14  
15           i) Total weight in kilograms of any PCBs and PCB Items in PCB  
16           Containers, including the identification of container contents  
17           such as liquids and capacitors;  
18           ii) Total number of PCB Transformers and total weight in kilograms  
19           of any PCBs contained in the transformers; and  
20           iii) Total number of PCB Large High or Low Voltage Capacitors.

21  
22          4. VIOLATIONS ONE THROUGH FOUR:           There were no PCB annual  
23          documents for the years 1988, 1987, 1986, and 1985. During these years,  
24          there was at least one PCB Transformer in use or stored for reuse at Ash  
25          Grove Cement West, Inc., Portland, Oregon.

III.

PROPOSED CIVIL PENALTY

5. Section 16 of TSCA, 15 U.S.C. § 2615, authorizes a civil penalty of up to \$25,000.00 per day for each violation of TSCA. Based upon the violations cited in this Complaint, the nature, circumstances, extent, and gravity of the violations alleged, Respondent's ability to pay, effect on the Respondent's ability to continue to do business, Respondent's history of prior such violations, the degree of Respondent's culpability, and other such matters as justice requires, the Complainant proposes that Respondent be assessed the following penalty calculated in accordance with the PCB Penalty Policy. A copy of the Penalty Policy accompanies this Complaint.

6. The nature, circumstances, and gravity of Respondent's failure to maintain annual documents, as cited in Violations One through Four, are represented by Level Four on the matrix. The extent of these violations is represented by "significant" on the matrix. The amount of the penalty has been reduced by 50% since Respondent had all the information that is required for annual documents. However, the amount of the penalty was adjusted upward by 50% for Violations One through Four because of Respondent's prior violations of the PCB Regulations which resulted in a Consent Agreement and Final Order.

7. The proposed penalty reflects a presumption of Respondent's ability to pay the penalty and to continue in business. Respondent may submit appropriate documentation to rebut that presumption during settlement

1 negotiations. Taking into account all the above factors, the penalty for  
2 Respondent Ash Grove Cement West, Inc., as prescribed by the matrix, is  
3 \$18,000, calculated as set forth below. Based on the history of prior such  
4 violations by Respondent, on the degree of culpability of Respondent, and on  
5 other matters as justice requires, no further adjustment of the penalty is  
6 indicated at this time. If appropriate, further penalty adjustments may be  
7 made during settlement negotiations.

<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
40 C.F.R. § 761.180(a)	Recordkeeping	\$24,000 (\$6,000 x 4)
	50% reduction for having all information	<u>-\$12,000</u>
	Subtotal	\$12,000
	50% upward adjustment	<u>+\$6,000</u>
	T O T A L	\$18,000

14  
15 IV.

16 NOTICE OF OPPORTUNITY TO REQUEST A HEARING

17  
18 8. The Consolidated Rules of Practice, 40 C.F.R. Part 22, govern  
19 these proceedings. A copy of the Consolidated Rules of Practice accompanies  
20 this Complaint. Under those rules, Respondent has the right to request a  
21 formal hearing to contest any material fact set forth in this complaint or  
22 to contest the appropriateness of the proposed penalty.

23  
24 9. To avoid being found in default, which constitutes an  
25 admission of all material facts alleged in the Complaint and a waiver of the  
26 right to a hearing, and which will effect the assessment of the above civil

27  
28 COMPLAINT - Page 5 of 8  
DOCKET NO. 1090-10-30-2615

1 penalty without further proceedings, Respondent must file with the Regional  
2 Hearing Clerk a written Answer within twenty (20) days after service of this  
3 Complaint. Respondent's Answer must clearly and directly admit, deny, or  
4 explain each of the factual allegations contained in this Complaint with  
5 regard to which Respondent has any knowledge. Where Respondent has no  
6 knowledge of a particular fact and so states, the allegation is deemed  
7 denied. Failure to deny any material factual allegation constitutes an  
8 admission of the allegation. The Answer shall also state: (1) the  
9 circumstances or arguments which are alleged to constitute the grounds of  
10 defense; (2) the facts which Respondent intends to place at issue; and, (3)  
11 whether a hearing is requested. A hearing is deemed requested should  
12 Respondent contest any material fact upon which the Complaint is based or  
13 raise any affirmative defense, or contend that the amount of the penalty  
14 proposed in the Complaint is inappropriate, or claim that Respondent is  
15 entitled to judgment as a matter of law. The Answer must be sent to:

16  
17 Regional Hearing Clerk, Region 10  
18 U.S. Environmental Protection Agency  
19 1200 Sixth Avenue, SO-125  
20 Seattle, Washington 98101

21 10. A copy of the Answer and all other documents which Respondent  
22 shall file in this action must be furnished to Margaret Silver, Associate  
23 Regional Counsel, the attorney assigned to represent EPA in this matter, at:

24 Office of Regional Counsel, Region 10  
25 U.S. Environmental Protection Agency  
26 1200 Sixth Avenue, SO-125  
27 Seattle, Washington 98101

28 COMPLAINT - Page 6 of 8  
DOCKET NO. 1090-10-30-2615



V.

INFORMAL SETTLEMENT CONFERENCE

11. Whether or not a hearing is requested. Respondent may contact the above-named attorney to arrange for an informal settlement conference to discuss the facts of this case, the amount of the proposed penalty, or the possibility of settlement. An informal settlement conference does not, however, affect Respondent's obligation to file a timely written Answer to the Complaint.

12. EPA has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement reached with Respondent in an informal conference. The terms of such an agreement would be embodied in a Consent Agreement and Consent Order. A Consent Agreement and Consent Order entered into by and between EPA and Respondent would be binding as to all terms and conditions specified therein upon signature by both parties and the EPA Regional Administrator.

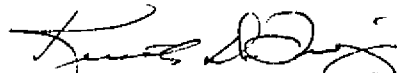
13. Respondent is advised that, after the Complaint is issued, the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the EPA Regional Administrator, Chief Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of this case.

VI.

PAYMENT OF PENALTY

14. Instead of requesting an informal settlement conference or filing an Answer requesting a hearing, Respondent may choose to pay the proposed penalty. In order to do this, Respondent must first establish contact with the EPA attorney named in Paragraph 10 of this Complaint to arrange for the preparation of a Consent Agreement and Consent Order.

ISSUED AT SEATTLE this 6<sup>th</sup> day of December, 1990.



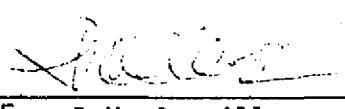
KENNETH D. FEIGNER, Chief  
Pesticides and Toxic Substances Branch

1  
2  
3  
4  
5  
6 CERTIFICATE OF SERVICE  
7  
8

9 I hereby certify that the original of the foregoing Complaint, Docket  
10 Number 1090-10-30-2615, has been filed with the Region 10 Hearing Clerk, and  
11 that a true and correct copy thereof (with accompanying copy of the  
12 Consolidated Rules of Practice and the Polychlorinated Biphenyls (PCB) Penalty  
13 Policy) was sent by Certified Mail, Return Receipt Requested, to:  
14  
15  
16

17 C.T. Corporation System  
18 Registered Agent for  
19 Ash Grove Cement West, Inc.  
20 800 Pacific Building  
21 Portland, Oregon 97204  
22  
23

24 DEC 11 1991  
25 DATE

26   
27 NAME R.V. Corsilles  
28 PTSB, Region 10

TITLE

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Consent Agreement and Consent Order for Payment of Civil Penalties In the Matter of: Ashgrove Cement West, Docket No. 1090-10-30-2615, dated February 22, 1991, was hand delivered this day to Marian L. Atkinson, Regional Hearing Clerk, and a true and correct copy was sent to the following address by mail, as follows:

Steven Dolmanisth  
Miller, Nash, Wiener, Hager & Carlsen  
111 SW 5th Avenue  
Suite 3400  
Portland, Oregon 97204-3699

By Certified Mail  
Return Receipt Requested

Ms. Marian L. Atkinson  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

By Hand Delivery

Dated: 2-25-91

Pamela R. Lewis  
Pamela R. Lewis  
Secretary

1  
2  
3  
4  
5  
6  
7 BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

8 In the Matter of: )  
9 ) Docket No. 1090-10-30-2615  
10 ASHGROVE CEMENT WEST, INC. )  
11 )  
12 Respondent. ) CONSENT AGREEMENT AND CONSENT  
13 ) ORDER FOR PAYMENT OF CIVIL  
14 ) PENALTIES  
15

16 I. PRELIMINARY STATEMENT

17 1. The United States Environmental Protection Agency  
18 ("EPA") initiated this proceeding for the assessment of a civil  
19 penalty pursuant to Section 16(a) of the Toxic Substances Control  
20 Act ("TSCA"), 15 U.S.C. § 2615(a), by issuing a Complaint against  
21 Respondent, Ashgrove Cement West, Inc., on December 6, 1990.

22 2. The Complaint charged Respondent with four counts  
23 of improper recordkeeping in violation of the Polychlorinated  
24 Biphenyl ("PCB") provisions of TSCA Section 15 (15 U.S.C. § 2614)  
25 and 40 C.F.R. Part 761, and sought the imposition of a penalty of  
26 EIGHTEEN THOUSAND DOLLARS (\$18,000).

27 3. As a result of information exchanged during  
28 settlement negotiations, EPA and Respondent agreed to resolve

1 this matter by executing this Consent Agreement and Consent  
2 Order.

## 3 4 II. CONSENT AGREEMENT

5 4. Respondent admits the jurisdictional allegations  
6 contained in the Complaint.

7 5. Respondent neither admits nor denies the factual  
8 allegations, findings, or conclusions of law contained in the  
9 Complaint.

10 6. The parties agree that on June 14, 1990, an EPA  
11 inspection was performed at Respondent's facility located in  
12 Portland, Oregon.

13 7. In conformance with EPA's PCB Penalty Policy,  
14 dated April 9, 1990, EPA and Respondent agree to mitigate the  
15 penalty proposed in the Complaint as follows:

16 a. Respondent has been cooperative and took  
17 prompt action to respond to the Complaint and settle this  
18 matter voluntarily. Accordingly, the proposed penalty is  
19 reduced by 15 percent, or TWO THOUSAND SEVEN HUNDRED DOLLARS  
20 (\$2,700).

21 b. Respondent removed one PCB Transformer and 21  
22 PCB Capacitors, incurring disposal costs of at least FIFTEEN  
23 THOUSAND THREE HUNDRED DOLLARS (\$15,300), and provided  
24 documentation that this equipment was disposed of in  
25 accordance with all applicable laws and regulations. On  
26 account of these expenditures, the proposed penalty is  
27  
28

1 reduced by 50 percent, or SEVEN THOUSAND SIX HUNDRED FIFTY  
2 DOLLARS (\$7,650).

3 8. Respondent waives its right to request an  
4 adjudicatory hearing on any issue addressed in this Consent  
5 Agreement and Consent Order.

6 9. Respondent agrees not to claim or attempt to claim  
7 a federal income tax deduction or credit covering all or any part  
8 of the civil penalty paid to the United States Treasurer.

9 10. Respondent and EPA agree to the issuance of the  
10 Consent Order below, and Respondent consents to the assessment of  
11 the civil penalty specified therein.  
12

### 13 III. CONSENT ORDER

14 IT IS HEREBY ORDERED and ADJUDGED as follows:

15 11. For the reasons set forth above, Respondent is  
16 hereby assessed a penalty in the amount of SEVEN THOUSAND SIX  
17 HUNDRED FIFTY DOLLARS (\$7,650).

18 12. Respondent shall pay the penalty amount in full no  
19 later than 30 days from the entry date of this Consent Order by  
20 mailing a certified check or money order, payable to the United  
21 States Treasurer, to:

22 U.S. Environmental Protection Agency, Region 10  
23 (Region 10 Hearing Clerk)  
24 P.O. Box 360903M  
Pittsburgh, Pennsylvania 15251

25 A transmittal letter, giving Respondent's name, complete address,  
26 and this case docket number must accompany each payment. A copy  
27 of the check and of the transmittal letter shall be delivered or  
28 mailed to the Regional Hearing Clerk at the following address:

U.S. Environmental Protection Agency  
Region 10 Hearing Clerk  
1200 Sixth Avenue, SO-125  
Seattle, Washington 98101

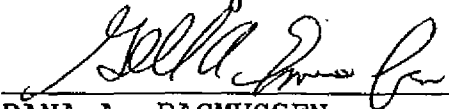
13. If Respondent fails to pay the stipulated penalty when due, any unpaid amount may be liquidated and made certain by motion and notice filed with the court to which this Consent Order is submitted for judgment and collection. Such motion and notice may be served on the Respondent or its current legal representative herein and shall be effective if so served. Pursuant to TSCA Section 16(a)(4), 15 U.S.C. § 2615(a)(4), the validity, amount, and appropriateness of the penalty is not subject to review in any judicial collection proceedings.

14. On any amount overdue under this Consent Agreement and Consent Order, interest shall accrue at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. Interest will begin to accrue from the date the payment was due.

15. Each party shall bear its own costs, fees, and disbursements in this action.

16. This document is a "consent order" as that term is used in the PCB Penalty Policy, dated April 9, 1990, for the purposes of demonstrating a "history of prior such violations" as provided in Section 16 of TSCA, 5 U.S.C. § 2615.

DATED this 22<sup>nd</sup> day of February, 1991.

  
DANA A. RASMUSSEN  
Regional Administrator



1  
2 Stipulated, Agreed, and  
3 Approved for Entry,  
4 Waiving Notice:

5 Dated: Feb. 19, 1991

ASHGROVE CEMENT WEST, INC.

W. A. Kistler  
(signature)

William A. Kistler Plant Manager  
(print or type name and title)

9 U.S. ENVIRONMENTAL PROTECTION  
10 AGENCY

11 Dated: 2/22/91

Margaret B. Silver  
MARGARET B. SILVER  
Associate Regional Counsel

MILLER, NASH, WIENER, HAGER & CARLSEN  
ATTORNEYS AND COUNSELORS AT LAW  
3500 U.S. BANCORP TOWER  
III S. W. FIFTH AVENUE  
PORTLAND, OREGON 97204-3699  
TELEPHONE (503) 224-5858  
TELEX 364482 KINGMAR PTL  
FACSIMILE (503) 224-0155

SEATTLE OFFICE  
6500 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7075  
TELEPHONE (206) 622-8484  
FACSIMILE (206) 622-7485

STEVEN J. DOLMANISTH

March 5, 1991

Mr. William A. Kistler  
Ash Grove Cement West, Inc.  
Post Office Box 83007  
Portland, Oregon 97283

Subject: Ash Grove Cement West, Inc.  
Docket No. 1090-10-30-2615

Dear Bill:

Enclosed are copies of the following:

1. February 25, 1991, letter from Margaret B. Silver,
2. executed Consent Agreement and Consent Order for  
Payment of Civil Penalties.

As you will note, payment of \$7,650 in the form of a certified check or money order is due no later than March 26, 1991. The check should be made payable to the "United States Treasurer" and forwarded to:

U.S. Environmental Protection Agency, Region 10  
(Region 10 Hearing Clerk)  
Post Office Box 360903M  
Pittsburgh, Pennsylvania 15251

In order to ensure that Ash Grove Cement West, Inc.'s, check is properly credited, you should include a cover letter noting the case docket number to which Ash Grove's check should be applied. In addition, please forward a copy of the check and

MILLER, NASH, WIENER,  
HAGER & CARLSEN

Mr. William A. Kistler

-2-

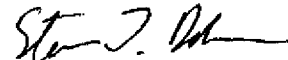
March 5, 1991

letter to this office, and to the EPA office in Seattle whose address is:

U.S. Environmental Protection Agency, Region 10  
(Region 10 Hearing Clerk)  
1200 Sixth Avenue, So-125  
Seattle, Washington 98101

Upon receipt of our copy, we will close the file on this matter. I am pleased to have had an opportunity to work with you.

Very truly yours,



Steven J. Dolmanisth